

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
PIETER M. O'LEARY, Nevada Bar No. 15297  
LEO S. WOLPERT, Nevada Bar No. 12658  
**MCLEATCHIE LAW**  
602 South Tenth Street  
Las Vegas, Nevada 89101  
Telephone: (702) 728-5300; Fax: (702) 425-8220  
Email: efile@nvlitigation.com  
*Attorney for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL ROGERS, an individual;  
NIKITA WRIGHT, an individual,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT; JOSEPH LOMBARDO, in  
his individual capacity; ALFREDO  
QUINTERO, individually; PRAVEEN RAJ,  
individually; DOE OFFICERS I - IV,  
individually,

Defendants.

**Case No.:** 2:22-cv-00867-CDS-DJA

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY PLAN AND  
SCHEDULING ORDER  
DEADLINES**

**(SECOND REQUEST)**

Michael Rogers and Nikita Wright ("Plaintiffs"), by and through their counsel of record, and Defendants, the Las Vegas Metropolitan Police Department ("LVMPD"), Sheriff Joseph Lombardo, Alfredo Quintero, and Praveen Raj, (collectively, "LVMPD Defendants"), by and through their respective counsel (collectively, "the Parties"), hereby agree and jointly stipulate to extend the Discovery Plan and Scheduling Order deadlines an additional sixty (60) days. This Stipulation is being entered in good faith and not for purposes of delay.

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**I. STATUS OF DISCOVERY.**

**A. PLAINTIFFS' DISCOVERY.**

1. Plaintiffs' Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1), dated August 22, 2022.

2. Plaintiff Michael Rogers' Request for Production of Documents to Defendant LVMPD - Set One, dated December 15, 2022.

3. Plaintiff Nikita Wright's Request for Production of Documents to Defendant LVMPD – Set One, dated May 16, 2023.

**B. DEFENDANTS' DISCOVERY.**

4. LVMPD Defendants' Initial Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1), dated August 19, 2022.

5. LVMPD Defendants' First Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26.1(a)(1), dated January 17, 2023.

6. LVMPD's Responses to Plaintiff Michael Rogers' Requests for Production - Set One, dated January 17, 2023.

7. LVMPD's First Set of Interrogatories to Plaintiff Nikita Wright, dated April 21, 2023.

8. LVMPD's First Set of Requests for Production of Documents to Plaintiff Nikita Wright, dated April 21, 2023.

9. LVMPD's First Set of Interrogatories to Plaintiff Michael Rogers, dated April 21, 2023.

10. LVMPD's First Set of Requests for Production of Documents to Plaintiff Michael Rogers, dated April 21, 2023.

**II. DISCOVERY THAT REMAINS TO BE COMPLETED.**

The Parties are actively conducting discovery. Both Parties have outstanding discovery responses that are due May 31, 2023, and June 19, 2023. The Parties are also working on depositions of named parties and witnesses. The Parties will need additional time

1 to propound written discovery, respond to written discovery, and conduct depositions prior  
2 to expert disclosures to avoid unnecessary additional costs related to expert disclosures.

3 **III. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY.**

4 Pursuant to Local Rule 26-3, the Parties submit that good cause exists for the  
5 extension requested. This is the second request for an extension of discovery deadlines in  
6 this matter. The Parties acknowledge that, pursuant to Local Rule 26-3, a stipulation to  
7 extend a deadline set forth in a discovery plan must be submitted to the Court no later than  
8 21 days before the expiration of the subject deadline, and that a request made within 21 days  
9 must be supported by a showing of good cause. All of the deadlines the Parties are requesting  
10 be extended expire outside of the 21 day window that necessitates a showing of good cause.

11 The Parties have been diligently conducting discovery and continue to conduct  
12 discovery. The Parties are working on scheduling the depositions of named parties and  
13 witnesses. Additionally, Plaintiffs have sought leave to amend their Complaint to add new  
14 parties and claims. As such, the Parties will need additional time to propound written  
15 discovery, respond to written discovery, continue to resolve outstanding discovery disputes,  
16 and conduct depositions. The Parties contend that it is more efficient to allow further  
17 discovery to be completed prior to expert disclosures to avoid unnecessary additional costs  
18 related to expert disclosures.

19 Finally, the Parties together request this in good faith and to further the resolution  
20 of this complicated case on the merits, and not for any purpose of delay.

21 The Parties thus respectfully request an extension of time to extend the discovery  
22 in this matter to enable to them to conduct necessary discovery in this matter and so that this  
23 matter is fairly resolved on the merits. “Good cause to extend a discovery deadline exists ‘if  
24 it cannot reasonably be met despite the diligence of the party seeking the extension.’” *Derosa*  
25 *v. Blood Sys., Inc.*, No. 2:13-cv-0137-JCM-NJK, 2013 U.S. Dist. LEXIS 108235, 2013 WL  
26 3975764, at 1 (D. Nev. Aug. 1, 2013) (quoting *Johnson v. Mammoth Recreations, Inc.*, 975  
27 F.2d 604, 609 (9th Cir. 1992)); *see also* Fed. R. Civ. P. 1 (providing that the Rules of Civil  
28 Procedure “should be construed, administered, and employed by the court and the parties to

secure the just, speedy, and inexpensive determination of every action and proceeding”). As the procedural history of this case illustrates, the Parties have been diligent in litigating this matter. The Parties are continuing to engage in written discovery and have begun coordinating the taking of depositions. Plaintiffs also have a pending Motion to Amend their Complaint, which would identify four (4) Defendant officers otherwise included as Doe Officers I – IV, and add additional claims for violations of the Nevada Constitution.

Additionally, counsel for the Parties in this matter are litigating several other unrelated matters against each other which are well-advanced and have competing demands, and while competing demands of litigation are merely one of many reasons for the instant request, it should be noted that the other litigation between the same counsel involving similar issues can only benefit from expanded discovery so that in other litigation, similar requests can be expedited because they may have been done at least in part in this case; in this case, it would be a matter of a universal benefit to the ends of justice and future efficiencies. Finally, counsel for Plaintiffs is preparing for a trial in July that requires significant time and attention, and counsel for Defendants will be out of the jurisdiction for two (2) weeks in June, further compounding the need for an extension of discovery deadlines.

**IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DEADLINES**

| Item                            | Current Deadline   | Proposed New Deadline  |
|---------------------------------|--------------------|--|
| Amend Pleadings and Add Parties | March 24, 2023     | <b>Expired</b>   |
| Initial Expert Disclosures      | June 23, 2023      | <b>August 22, 2023</b>   |
| Rebuttal Expert Disclosures     | July 24, 2023      | <b>September 22, 2023</b>  |
| Discovery Cut-Off               | August 21, 2023    | <b>October 20, 2023</b>  |
| Dispositive Motions             | September 22, 2023 | <b>November 21, 2023</b>   |
| Pretrial Order                  | October 23, 2023   | <b>December 22, 2023</b> (If dispositive motions are filed, the deadline shall be suspended until thirty (30) days after the decision of the dispositive motions or further order of the Court.) |

Based on the foregoing stipulation and proposed deadlines plan, the Parties request that the Discovery Plan and Scheduling Order deadlines be extended additional sixty (60) days so that the parties may conduct additional discovery, conduct depositions and efficiently litigate the case based on the merits.

IT IS SO STIPULATED.

Dated this 30<sup>th</sup> day of May, 2023.

MCLEATCHIE LAW

By: /s/ Margaret A. McLetchie  
Margaret A. McLetchie, Esq.  
Nevada Bar No. 10931  
Leo S. Wolpert, Esq.  
Nevada Bar No. 12658  
Pieter M. O'Leary, Esq.  
Nevada Bar No. 15297  
602 South 10th Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiffs*

Dated this 30<sup>th</sup> day of May, 2023.

MARQUIS AURBACH

By: /s/ Jackie V. Nichols  
Jackie V. Nichols, Esq.  
Nevada Bar No. 14246  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Defendants*

**ORDER**

  
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DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE

DATED: May 31, 2023